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October 26, 2012

Via ECF

Hon. Vera M. Scanlon
United States District Court
For the Eastern District
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Government Employees Insurance Co., et. al. v. Hazel et. al.
Docket No.: CV 11-0410
Gennady Litvin

Dear Magistrate- Judge Scanlon,

Please find that this letter is submitted in opposition to the Plaintiff's motion for contempt.

As indicated by the Plaintiff, this office was retained on October 12, 2012 by the Livkin Law Firm, with regard to an order to compel compliance with subpoena that was no so-ordered by this court.

On October 12, 2012, I informed the court that I would need time to comply with this order and that I have been unable to communicate with my adversary concerning this matter. I first spoke with Frank Tiscione, counsel for the Plaintiff, on October 18, 2012, who agreed to grant me additional time to comply with the order, and provided me with a copy of the order via email on that date.

I have just received the full office file from my client regarding Eastchester Precision Medical, P.C. and have turned over the full office file held by my clients to Mr. Tiscione.

After, speaking again with Mr. Tiscione, he said that he needs a deposition my client, which by it's nature would be impossible to conduct on such a short term basis.

The undersigned admits that the documents requested were sent after October 22, 2012, but such delay was not willful nor contumacious, but rather contributed to by the fact that I was unable to reach Mr. Tiscione until Thursday, October 18, 2012 in the afternoon, after making several phone calls and leaving several messages on his voicemail as well as on the voicemail of his secretary.

Hon. Carol B. Amon
United States District Court
For the Eastern District
225 Cadman Plaza East
Brooklyn, New York 11201
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Additionally, due to the conversation that I had with Mr. Tiscione on October 18, 2012, I was under the understanding that we would work amicably together to resolve this matter and that I would get him the information requested as soon as practicable.

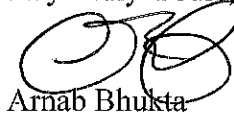
The undersigned has used his best efforts to comply with the court's directives and have provided documents to the Plaintiff as soon as practicable. This office has in no way willfully or contumaciously ignored an order of the court. Presently, all documents concerning Eastchester Precision Medical, PC maintained by my client have been turned over to the Plaintiff. It must also be noted that this office has only very recently been retained and is still digesting the file.

Contempt is a drastic measure to issue in the present situation as the undersigned has worked diligently to resolve this matter with adverse counsel. Additionally, an order of contempt cannot be issued as they Plaintiff's motion to compel has not been granted, nor was the subpoena so-ordered by this court, nor has there been a contempt hearing, so no order of the court has been violated and there is no basis for an issuance of contempt.

The undersigned would be amenable to a conference call or appearance to discuss this matter further.

If you have any questions or need any additional information, please feel free to contact the undersigned.

Very Truly Yours,



Arnab Bhakta
(AB 7242)